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ABSTRACT

The Career Education Incentive Act (Public Law 95-207) authorizes a career education program for elementary and secondary schools, and for other purposes. It assists states and local education agencies and institutions of postsecondary education in making education as preparation for work both a major goal of all who teach and all who learn and a means of relating work values to other life roles and choices. In this brief document, provisions of the law are presented, including the allocation of funds and application procedures. State plan requirements are outlined, as are use of funds, and methods of payments to the states. Provisions for model programs and postsecondary demonstration projects are presented, as are those for dissemination of career education information. Responsibilities of agencies administering Public Law 95-207 are described, and requirements for annual reports are presented. (BL)

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CAREER EDUCATION INCENTIVE ACT

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

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CE 014 134

29-139 O - 77 (231)

Public Law 95-207
95th Congress

An Act

Dec. 13, 1977
[H.R. 7]

To authorize a career education program for elementary and secondary schools, and for other purposes.

Career Education Incentive Act. 20 USC 2601 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Career Education Incentive Act".

DECLARATIONS

20 USC 2601.

SEC. 2. The Congress declares that—

(1) a major purpose of education is to prepare every individual for a career suitable to that individual's preference,

(2) career education should be an integral part of the Nation's educational process which serves as preparation for work,

(3) career education holds promise of improving the quality of education and opening career opportunities for all students by relating education to their life aspirations, and

(4) educational agencies and institutions (including agencies and institutions of elementary and secondary education, higher education, adult education, employment training and retraining, and vocational education) should make every effort to fulfill that purpose.

PURPOSE

20 USC 2602.

SEC. 3. In recognition of the prime importance of work in our society and in recognition of the role that the schools play in the lives of all Americans, it is the purpose of this Act to assist States and local educational agencies and institutions of postsecondary education, including collaborative arrangements with the appropriate agencies and organizations, in making education as preparation for work, and as a means of relating work values to other life roles and choices (such as family life), a major goal of all who teach and all who learn by increasing the emphasis they place on career awareness, exploration, decisionmaking, and planning, and to do so in a manner which will promote equal opportunity in making career choices through the elimination of bias and stereotyping in such activities, including bias and stereotyping on account of race, sex, age, economic status, or handicap.

AUTHORIZATION OF APPROPRIATIONS

20 USC 2603.

SEC. 4. (a) Subject to the provisions of subsections (b) and (c), there are authorized to be appropriated $50,000,000 for fiscal year 1979, $100,000,000 for fiscal year 1980, $100,000,000 for fiscal year 1981, $50,000,000 for fiscal year 1982, and $25,000,000 for fiscal year 1983 to carry out the provisions of this Act, other than section 11 of this Act.

(b) No funds are authorized to be appropriated pursuant to subsection (a) for any fiscal year beginning after September 30, 1979, unless an appropriation was made for the immediately preceding fiscal year.

(c) No funds are authorized to be appropriated pursuant to subsection (a) for any fiscal year beginning after September 30, 1979,

unless such funds are appropriated in the fiscal year prior to the fiscal year in which such funds will be obligated, and unless such funds are made available for expenditure to the States prior to the beginning of such fiscal year.

ALLOTMENTS

SEC. 5. (a)(1) From the funds appropriated pursuant to section 4 for each fiscal year which are not reserved under paragraph (2) of this subsection, the Commissioner shall allot to each State an amount which bears the same ratio to such funds as such State's population aged five to eighteen, inclusive, bears to the total population, aged five to eighteen, inclusive, of all the States, except that no State shall be allotted from such funds for each fiscal year an amount less than $125,000. State allotments, minimum. 20 USC 2604.

(2) From the remainder of the funds appropriated pursuant to section 4 for each fiscal year, the Commissioner may reserve— Reserves.

(A) an amount not to exceed 5 per centum each year for the administration of this Act and for making model program grants pursuant to section 10,

(B) an amount not to exceed 1 per centum each year for the purpose of carrying out the information program pursuant to section 12 of this Act,

(C) an amount not to exceed one-half of one per centum each year for the purpose of carrying out a national evaluation of the effectiveness of programs assisted under this Act in carrying out the purposes of this Act, and

(D) an amount equal to 1 per centum for the purpose of making payments to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands in furtherance of the purposes of this Act.

(b)(1) Any funds allotted to a State under paragraph (1) of subsection (a) for which a State has not applied or for which a State application has not been approved shall be reallotted by ratably increasing the allocations of each of the States which have approved applications. Reallotment.

(2) If the sums appropriated for any fiscal year are not sufficient to make the allotments of the minimum amounts specified in paragraph (1) of subsection (a), such minimum amounts shall be ratably reduced. If additional sums become available during a fiscal year for which such allotments were reduced, such allotments shall be increased on the same basis as they were reduced.

(c) Notwithstanding any other provision of this Act, any State which receives, in any fiscal year, the minimum allotment prescribed under paragraph (1) of subsection (a) of this section does not have to comply with the provisions of section 6(6) relating to staff employed at the State level.

APPLICATIONS

SEC. 6. Every State desiring to receive funds appropriated under section 4 for fiscal year 1979 shall submit to the Commissioner an application containing assurances that— Contents. 20 USC 2605.

(1) the State educational agency will be the agency responsible for planning the use, and administering the expenditure, of funds received under this Act, other than funds made available under sections 10, 11, and 12;

(2) the State legislature and the Governor have been notified of the State's application for such funds;

(3)(A) the State will expend, from its own sources, for any fiscal year for which funds are received under this Act, an amount equal to or exceeding the amount which such State expended for career education during the fiscal year preceding the fiscal year for which the determination is made;

Non-Federal share costs, payment.

(B) the State will pay from non-Federal sources the non-Federal share of the costs of carrying out the State plan for fiscal year 1980 and for each of the three succeeding fiscal years;

(4) the State will make every possible effort to integrate career education into the regular education programs offered in elementary and secondary schools in the State;

(5)(A) the State educational agency will require that programs of career education assisted under this Act will be administered by State and local educational agencies in such a manner as to affect all instructional programs in elementary and secondary education, and will not be administered solely as a part of the vocational education program;

(B) the State educational agency will require that programs of career education will be coordinated by an individual having prior experience in the field of career education (who shall be designated as a State coordinator of career education);

(6) such agency will employ such staff as are necessary to provide for the administration of this Act and programs of career education funded under this Act, including a person or persons experienced with respect to problems of discrimination in the labor market and stereotyping affecting career education, including bias and stereotyping on account of race, sex, age, economic status, or handicap, and including at least one professional trained in guidance and counseling who shall work jointly in the office of the principal staff person responsible for such administration and coordination and in the office of the State educational agency responsible for guidance and counseling, if any such office exists;

Review.

(7) such agency will continuously review the plan submitted under section 7 and will submit such amendments thereto as may be deemed appropriate in response to such agency's experience with the program;

(8) the State educational agency will comply with the provisions of section 9(b) with respect to the distribution of funds to local educational agencies within the State;

(9) the State educational agency will not allocate payments under this Act among local educational agencies within the State on the basis of per capita enrollment or through matching of local expenditures on a uniform percentage basis, or deny funds to any local educational agency if the applicable jurisdiction in which such agency is located is making a reasonable tax effort solely because such agency is unable to pay the non-Federal share of the costs of programs assisted under this Act;

(10) not less than 15 per centum of that portion of a State's grant for any fiscal year which is not reserved pursuant to section 9(b) will be used for programs described in section 8(a)(3)(B); and

(11) the funds received under this Act will be used in accordance with the provisions of section 8.

STATE PLANS

Contents.
20 USC 2606.

SEC. 7. Every State desiring to receive funds appropriated pursuant to section 4 shall submit to the Commissioner by July 1, 1979, a State plan which shall—

(1) set out explicitly the objectives the State will seek to achieve by the end of each of the fiscal years for which funds are made available under this Act in implementing the goal of providing career education for students in elementary and secondary schools within the State, with special emphasis on overcoming sex bias and stereotyping, and set out the methods by which the State will seek each year to achieve such objectives with all resources available;

(2) describe the methods by which the funds received under this Act will be used, in accordance with section 8, to implement the overall objectives in each of the fiscal years for which funds are made available under this Act;

(3) set forth policies and procedures which the State will follow to assure equal access of all students (including the handicapped and members of both sexes) to career education programs carried out under the State plan;

(4) provide adequate assurance that the requirements of section 6 will be met in each fiscal year after fiscal year 1979; and

(5) provide proposed criteria to the Commissioner for the evaluation of the extent to which the State will achieve the objectives set out in the State plan.

USE OF FUNDS

Federal share payments.
20 USC 2607.

SEC. 8. (a) Subject to the provisions of sections 9(b) and 10, funds received under this Act may be used only to pay the Federal share of the total costs of—

(1) employing such additional State educational agency personnel as may be required for the administration and coordination of programs assisted under this Act;

(2) providing State leadership for career education, either directly or through arrangements with public agencies and private organizations (including institutions of higher education), in—

(A) conducting inservice institutes for educational personnel;

(B) training local career education coordinators;

(C) collecting, evaluating, and disseminating career education materials on an intrastate and interstate basis with special emphasis on overcoming sex bias and stereotyping;

(D) conducting statewide needs assessment and evaluation studies;

(E) conducting statewide career education leadership conferences;

(F) engaging in collaborative relationships with other agencies of State government and with public agencies and private organizations representing business, labor, industry and the professions and organizations representing the handicapped, minority groups, women, and older Americans; and

(G) promoting the adaptation of teacher-training curric-

ula to the concept of career education by institutions of higher education located in the State;

(3) making payments to local educational agencies for comprehensive programs including—

(A) instilling career education concepts and approaches in the classroom;

(B) developing and implementing comprehensive career guidance, counseling, placement, and followup services utilizing counselors, teachers, parents, and community resource personnel;

(C) developing and implementing collaborative relationships with organizations representing the handicapped, minority groups, and women and with all other elements of the community, including the use of personnel from such organizations and the community as resource persons in schools and for student field trips into that community;

(D) developing and implementing work experiences for students whose primary purpose is career exploration, if such work experiences are related to existing or potential career opportunities and do not displace other workers who perform such work;

(E) employing coordinators of career education in local educational agencies or in combinations of such agencies (but not the individual school building level);

(F) training of local career education coordinators;

(G) providing inservice education for educational personnel, especially teachers, counselors, and school administrators, designed to help such personnel to understand career education, to acquire competencies in the field of career education and to acquaint such personnel with the changing work patterns of men and women, ways of overcoming sex stereotyping in career education, and ways of assisting women and men to broaden their career horizons;

(H) conducting institutes for members of boards of local educational agencies, community leaders, and parents concerning the nature and goals of career education;

(I) purchasing instructional materials and supplies for career education activities;

(J) establishing and operating community career education councils;

(K) establishing and operating career education resource centers serving both students and the general public;

(L) adopting, reviewing, and revising local plans for coordinating the implementation of the comprehensive program; and

(M) conducting needs assessments and evaluations; and

(4) reviewing and revising the State plan.

(b) The State shall make payments to local educational agencies for the purposes described in paragraph (3) of subsection (a) from funds received under this Act upon applications approved by the State educational agency. Such payments shall, to the extent practicable, be made on an equitable basis in accordance with criteria established by the State educational agency, consistent with section 6(9), having due regard for the special needs of local educational agencies

serving areas of high incidence and prevalence of youth and adult unemployment, serving sparsely populated areas or serving relatively few students.

Private nonprofit elementary and secondary schools, participation.

(c)(1) To the extent consistent with the number of children enrolled in private nonprofit elementary and secondary schools within the State, with respect to services described under paragraph (2) of subsection (a), and within the school district, with respect to payments made to a local educational agency for the purposes described in paragraph (3) of such subsection, after consultation with appropriate private school officials, provision shall be made for the effective participation on an equitable basis of such children and the teachers of such children in such services and in programs assisted with such payments.

Funds, control.

(2)(A) The control of funds provided under this Act and title to materials and equipment therewith shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

Contracts for services.

(B) The provisions of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this Act to accommodate students and teachers in nonprofit public schools shall not be commingled with State or local funds.

PAYMENTS

20 USC 2608.

SEC. 9. (a)(1) The Commissioner, upon receipt of an application of assurances for fiscal year 1979 which the Commissioner finds to be in compliance with section 6, and upon finding the State to be in compliance with sections 7 and 8 for fiscal years 1980 and 1981, shall pay to the State the amount which it is entitled to receive for each such year under this Act.

(2) The Commissioner, upon finding the State to be in compliance with sections 7 and 8 for fiscal years 1982 and 1983 by reviewing the report required to be submitted by the State under section 14 for fiscal years 1980 and 1981, respectively, shall pay to the State the amount which it is entitled to receive for each of the fiscal years 1982 and 1983 under this Act reduced in proportion to the extent to which the Commissioner determines that such State has substantially failed to achieve the objectives for fiscal years 1980 and 1981 set forth in its State plan.

(b) Any State receiving funds appropriated under section 4 of this Act may reserve (1) not more than 10 per centum of such funds for State leadership purposes described in paragraph (2) of section 8(a), and (2) not more than 10 per centum of such funds appropriated for the fiscal year 1979, and not more than 5 per centum of the funds appropriated for succeeding fiscal years, for the purposes described in paragraphs (1) and (4) of section 8(a). The remainder of such funds shall be distributed by the State to local educational agencies within that State for the purposes described in paragraph (3) of section 8(a).

(c)(1) For the purposes of paying the cost of employing State

career education coordinators and staff described in paragraph (1) of section 8(a), the Federal share of the payments made under this Act from a State's allotment shall be not more than 100 per centum for the fiscal year 1979, not more than 75 per centum for the fiscal year 1980 and not more than 50 per centum for the fiscal years 1981, 1982, and 1983.

(2) For the purposes described in paragraphs (2) and (3) of section 8(a), the Federal share of the payments made under this Act from a State's allotment shall be not more than 100 per centum for the fiscal years 1979 and 1980, not more than 75 per centum for the fiscal year 1981, not more than 50 per centum for the fiscal year 1982, and not more than 25 per centum for the fiscal year 1983.

Waiver.

(d)(1) If a State is prohibited by law from providing for the participation in programs of children enrolled in private nonprofit elementary and secondary schools, as required by section 8(c), the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of that section.

Waiver.

(2) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private nonprofit elementary and secondary schools as required by section 8(c), the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of that section.

MODEL PROGRAMS

Grants.
20 USC 2609.

SEC. 10. (a) From funds reserved under section 5(a)(2)(A) of this Act, the Commissioner is authorized to make grants directly to State and local educational agencies, institutions of postsecondary education, and other nonprofit agencies and organizations to support projects, including projects of proven effectiveness, to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models particularly projects designed to eliminate bias and stereotyping on account of race, sex, age, economic status, or handicap.

(b) Notwithstanding any other provision of law, no funds may be made available under the provisions of section 406(f)(1) of the Education Amendments of 1974 for grants or contracts with local educational agencies for any fiscal year in which funds are appropriated under this Act and reserved for the purposes of this section under section 5(a)(2)(A).

20 USC 1865.

POSTSECONDARY EDUCATIONAL DEMONSTRATION PROJECTS

20 USC 2610.

SEC. 11. (a) The Commissioner is authorized to arrange by way of grant, contract, or other arrangement with institutions of higher education, public agencies and nonprofit private organizations for the conduct of postsecondary educational career demonstration projects which—

(1) may have national significance or be of special value in promoting the field of career education in postsecondary educational programs,

(2) have unusual promise of promoting postsecondary career guidance and counseling programs, particularly postsecondary guidance and counseling programs designed to overcome bias and stereotyping on account of race, sex, age, economic status, or handicap, or

(3) show promise of strengthening career guidance, counseling, placement, and followup services.

(b) The Commissioner shall approve arrangements under subsection (a) of this section if he finds— Approval.

(1) that the funds for which assistance is sought will be used for one of the purposes set forth in subsection (a) of this section, and

(2) that effective procedures, including objective measurements, will be adopted for evaluating at least annually the effectiveness of the project.

(c) For the purpose of carrying out the provisions of this section there is authorized to be appropriated $15,000,000 for the fiscal year 1979 and for each fiscal year ending prior to October 1, 1983. Appropriation authorization.

(d) Notwithstanding any other provision of law, no funds may be made available under the provisions of section 406(f)(1) of the Education Amendments of 1974 for grants or contracts with institutions of higher education for any fiscal year in which funds are appropriated pursuant to subsection (c) of this section. 20 USC 1865.

CAREER EDUCATION INFORMATION

SEC. 12. (a) In consultation with members of the National Occupational Information Coordinating Committee, the Commissioner shall examine the occupational information needs of individuals and organizations eligible for participation in programs assisted by this Act. The examination shall consider the present activities of the National Occupational Information Coordinating Committee, the State Occupational Information Coordinating Committees, and other occupational information activities of the Office of Education, the National Institute of Education, the Bureau of Labor Statistics, the Employment and Training Administration, and such other Federal agencies as the Commissioner deems appropriate. Upon the conclusion of the examination, the Commissioner shall, either directly or by way of grant, contract or other arrangement, furnish information to interested parties on Federal programs which gather, analyze and disseminate occupational and career information. Examination. 20 USC 2611.

(b) The Commissioner shall, either directly or by way of grant, contract or other arrangement, disseminate information to interested parties on exemplary career education programs, including but not limited to programs assisted under this Act. Dissemination.

ADMINISTRATION

SEC. 13. (a)(1) The Office of Career Education created pursuant to section 406 of the Education Amendments of 1974 shall be the administering agency within the Office of Education for the review of the State plans, applications, and reports submitted pursuant to this Act. In addition, the Office of Career Education shall perform a national leadership role in furthering the purposes of this Act. 20 USC 2612.

Technical assistance.

(2) The Office of Career Education shall, upon request, provide technical assistance to all participating State educational agencies and to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Infra.

(b) The National Advisory Council on Career Education created pursuant to section 406 of the Education Amendments of 1974 shall perform the same functions with respect to the programs authorized under this Act as the Council is authorized to perform with respect to the programs authorized under that section.

Cooperation between the Office of Education and Institute.

(c) Nothing in this Act shall be construed to prohibit the National Institute of Education from continuing to carry out its functions in the field of career education. The Assistant Secretary of Health, Education, and Welfare for Education shall assure such cooperation as the Assistant Secretary deems appropriate between the Office of Education and the Institute to identify research and development priorities and, either directly or through arrangements with public agencies and private organizations (including institutions of higher education), to disseminate the results of the research and development undertaken by the Institute.

Staff and resources.

(d) The Office of Education shall provide the Office of Career Education and the National Advisory Council on Career Education with sufficient staff and resources required to carry out their responsibilities under this Act and under section 406 of the Education Amendments of 1974.

20 USC 1865.

(e) Section 406(g)(1)(B) of the Education Amendments of 1974 is amended to read as follows:

"(B) not less than fifteen public members broadly representative of the fields of education, guidance, and counseling, the arts, the humanities, the sciences, community services, business and industry, and the general public, including (i) members of organizations of handicapped persons, minority groups knowledgeable with respect to discrimination in employment and stereotyping affecting career choices, and women who are knowledgeable with respect to sex discrimination and stereotyping, and (ii) not less than two members who shall be representative of labor and of business, respectively.".

REPORTS

20 USC 2613.

SEC. 14. (a) Unless the Commissioner finds the requirements of this subsection unnecessary, not later than December 31 of each fiscal year each State receiving funds under this Act shall submit to the Commissioner a report evaluating the programs assisted with funds provided under this Act for the preceding fiscal year. Such report shall include—

Contents.

(1) an analysis of the extent to which the objectives set out in the State plan submitted pursuant to section 6 have been fulfilled during that preceding fiscal year;

(2) a description of the extent to which the State and local educational agencies within the State are using State and local resources to implement these objectives and a description of the extent to which funds received under this Act have been used to achieve these objectives; and

(3) a description of the exemplary programs funded within the State, including an analysis of the reasons for their success, and a description of the programs which were not successful within the State, including an analysis of the reasons for their failure.

Analysis and recommendations.

(b) The Commissioner, through the Office of Career Education, shall analyze each one of the State reports submitted pursuant to subsection (a) and shall provide to the State no later than three months after the date of such submission an analysis of the report and recommendations for improvement in the operation and administration of programs being provided by the State with funds made available under this Act.

Review; report to congressional committees.

(c) The Commissioner shall conduct a comprehensive review of a random sample of the State programs funded under this Act and shall submit a report on such review to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate by no later than September 30, 1982.

DEFINITIONS

20 USC 2614.

SEC. 15. For purposes of this Act the term—

(1)(A) "career education", for the purposes of this Act, except for paragraphs (2) and (3) of section 8(a), and sections 8(b), 8(c), 9, 10, and 11, means the totality of experiences, which are designed to be free of bias and stereotyping (including bias or stereotyping on account of race, sex, age, economic status, or handicap), through which one learns about, and prepares to engage in, work as part of his or her way of living, and through which he or she relates work values to other life roles and choices (such as family life);

(B) "career education", for purposes of paragraphs (2) and (3) of section 8(a), and sections 8(b), 8(c), 9, 10, and 11, shall be limited to activities involving career awareness, exploration, decisionmaking, and planning, which activities are free of or are designed to eliminate bias and stereotyping (including bias or stereotyping on account of race, sex, age, economic status, or handicap), and shall not include any activities carried out by such agencies involving specific job skill training;

(2) "Commissioner" means the Commissioner of Education;

(3) "handicapped" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons, or persons with specific learning disabilities who by reason thereof require special education and related services;

(4) "local educational agency" has the meaning given such term by section 801(f) of the Elementary and Secondary Education Act of 1965;

20 USC 881.

(5) "State" means the several States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) "State educational agency" has the meaning given such term by section 801(k) of the Elementary and Secondary Education Act of 1965.

AMENDMENT TO THE EDUCATION AMENDMENTS OF 1976

20 USC 2502.

SEC. 16. Section 332 of the Education Amendments of 1976 is amended—

(1) in subsection (b)(2), by striking out "3 per centum" and inserting in lieu thereof "1 per centum", and by striking out "the Commonwealth of Puerto Rico,"; and

(2) in subsection (b)(3)(B), by striking out "and the District of Columbia" and inserting in lieu thereof ", the District of Columbia, and the Commonwealth of Puerto Rico".

Approved December 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-150 (Comm. on Education and Labor) and No. 95-816 (Comm. of Conference).

SENATE REPORTS: No. 95-498 accompanying S. 1328 and 95-513 (both from Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 5, considered and passed House.

Oct. 20, considered and passed Senate, amended, in lieu of S. 1328.

Nov. 22, Senate agreed to conference report.

Nov. 29, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 51:

Dec. 13, Presidential statement.